

**AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR THE REPEAL OF CERTAIN LANDSCAPE STANDARDS IN CHAPTER 8; PROVIDING FOR THE ADDITION OF CERTAIN LANDSCAPE STANDARDS IN CHAPTER 31; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**WHEREAS**, the establishing of minimum regulations governing exterior landscaping is essential to protect the health, safety and general welfare of the public and property;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 8, Article VI is deleted in its entirety, and Chapter 31 is hereby amended as follows:

## **CHAPTER 31 – ZONING**

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### **ARTICLE IV. – DISTRICT REGULATIONS**

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#### **DIVISION 3A. - DISTRICT "SR-1" SUBURBAN RESIDENTIAL SINGLE-FAMILY RESIDENTIAL DISTRICT**

##### **Sec. 31-184. - Landscaping regulations Reserved.**

~~(a) Landscaping required. For residential uses, minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.~~

~~(1) Trees. The following requirements shall apply to tree landscaping:~~

~~(a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 8-530.~~

~~(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~

- ~~(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~
- ~~(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).~~
- ~~(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~
- ~~(2) Ground cover. The following requirements shall apply to ground cover landscaping:~~
  - ~~(a) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~
  - ~~(b) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~
  - ~~(c) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.~~

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## **DIVISION 3B. - DISTRICT "SR-2" SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT**

### **Sec. 31-185.6. — ~~Landscaping regulations~~ Architectural design.**

- ~~(a) *Architectural design*. All attached garages in this district shall be constructed as side or rear entry. Detached front loading garages in this district shall be constructed at a minimum depth of forty-five (45) feet as measured from the front property line.~~
- ~~(b) *Landscaping required*. For residential uses, minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.~~
- ~~(1) *Trees*. The following requirements shall apply to tree landscaping:~~
  - ~~(a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 8-530.~~

- ~~(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~
  - ~~(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~
  - ~~(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).~~
  - ~~(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~
- ~~(2) Ground cover. The following requirements shall apply to ground cover landscaping:~~
- ~~(a) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~
  - ~~(b) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~
  - ~~(c) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this Code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used. Xeriscaping shall be in accordance with the applicable guidelines as specified in the City of Killeen Drainage Design Manual and Infrastructure Design and Development Standards Manual, as amended.~~

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## **DIVISION 4A. - DISTRICT "SF-2" SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 31-195. - Area regulations.**

- (a) *Project size.* All development projects in this district must contain a minimum of one (1) acre of property. A planned unit development (PUD), as defined in chapter 31, article V, division 8, Killeen code of ordinances, shall be required for any request for a "SF-2" district when the total acreage of the request consists of twenty-five (25) acres or more. The purpose of requiring a PUD is to give the city council the ability to determine the proposed development's impact on existing infrastructure and open/ recreational space

and whether additional public improvements to serve denser development are necessary to promote the health, safety and welfare of the development's residents.

(b) *Size of yards.* The yards in the "SF-2" single-family residential district shall conform to the following:

- (1) *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
- (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.

(c) *Size of lot.* The lot requirements for the "SF-2" single-family residential district shall be as follows:

- (1) *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet of area.
- (2) *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line. On corner lots, with two (2) street frontages, the minimum width shall be not less than sixty (60) feet.
- (3) *Lot depth.* The average depth of the lot shall be not less than one hundred (100) feet, except that a corner lot having a minimum width of not less than forty-five (45) feet may have an average depth of less than one hundred (100) feet, provided that the minimum depth is not less than ninety (90) feet.

~~(d) *Landscaping.* All yards shall be fully sodded or covered with other city-approved groundcover, as determined by the Building Official, to ensure compatibility and to control dust, erosion and sediment from migrating off-site. Additionally, for each dwelling unit, a minimum of one (1) six (6) foot tall canopy tree with two-inch caliper, and eight (8) three (3) gallon shrubs, are required to be planted in the front yard. All landscaping must be in place upon final inspection unless an extension is granted in writing by the Building Official. Such extension shall not exceed sixty (60) days.~~

(ed) *Architectural design.* The same exterior architectural elevation may not be used within any grouping of five homes.

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## **DIVISION 6. - DISTRICT "RT-1" RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT**

### **Sec. 31-222. - ~~Landscaping regulations~~ Reserved.**

~~Thirty-five (35) percent of all common areas shall be devoted to open space.~~

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## **DIVISION 8A. - DISTRICT "R-3F" MULTIFAMILY RESIDENTIAL DISTRICT**

### **Sec. 31-255.5. —Landscaping Reserved.**

~~All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the building official, to control dust, erosion and sediment from leaving the site. For each dwelling unit, a minimum of one (1) six-foot tall tree with two-inch caliper, and three (3) three-gallon shrubs, are required. All required trees shall be placed in the front or the side of the building. All landscaping must be in place upon final inspection and prior to issuance of a certificate of occupancy (unless an extension, not to exceed thirty (30) days, has been requested and approved in writing by the building official).~~

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## **DIVISION 8B. - DISTRICT "R-3A"**

### **MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT**

### **Sec. 31-256.5. —Landscaping Reserved.**

~~All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the building official, to control dust, erosion and sediment from leaving the site. For each two (2) dwelling units, a minimum of one (1) six-foot tall tree with two-inch caliper, and six (6) three-gallon shrubs, are required. All landscaping must be in place upon final inspection and prior to issuance of a certificate of occupancy (unless an extension, not to exceed thirty (30) days, has been requested and approved in writing by the building official).~~

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## **DIVISION 21. - DISTRICT "UD" UNIVERSITY DISTRICT**

### **Sec. 31-445. —Landscaping Requirements Reserved.**

~~(a) *Landscaping required.* Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.~~

~~(b) *Trees.* The following requirements shall apply to tree landscaping:~~

- ~~(1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).~~
- ~~(2) Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.~~
- ~~(3) Newly planted trees shall measure at least three-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.~~

- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
  - (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
  - (6) Recommended plantings include the quality tree species listed in art. VI, section 8-530, subdivision A.
- (c) ~~Shrubbery.~~ The following requirements shall apply to shrubbery landscaping:
- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one-half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
  - (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.
  - (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
  - (4) Shrubs shall not be less than three (3) gallons in size.
  - (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (d) ~~Ground cover.~~ The following requirements shall apply to ground cover landscaping:
- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
  - (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (e) ~~Irrigation.~~ All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

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## DIVISION 22. - DISTRICT "CD" CEMETERY DISTRICT

### Sec. 31-454. - Landscaping Requirements Reserved.

~~(a) *Landscaping required.* Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.~~

~~(b) *Trees.* The following requirements shall apply to tree landscaping:~~

~~(1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).~~

~~(2) Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.~~

~~(3) Newly planted trees shall measure at least three-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.~~

~~(4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~

~~(5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~

~~(6) Recommended plantings include the quality tree species listed in art. VI, section 8-530, subdivision A.~~

~~(c) *Shrubbery.* The following requirements shall apply to shrubbery landscaping:~~

~~(1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one-half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.~~

~~(2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.~~

~~(3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).~~

~~(4) Shrubs shall not be less than three (3) gallons in size.~~

~~(5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~

~~(d) *Ground cover.* The following requirements shall apply to ground cover landscaping:~~

~~(1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~

~~(2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~

~~(e) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.~~

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## **ARTICLE V. – SUPPLEMENTAL REGULATIONS**

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### **DIVISION 11. – LANDSCAPING REGULATIONS**

#### **Sec. 31-870. - Short title.**

The following regulations are hereby adopted and shall be known and may be cited as "City of Killeen Landscaping Regulations."

#### **Sec. 31-871. - Purpose.**

The purpose of this article is to promote the following community benefits:

(a) *Sustainability.* To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aid in abating soil erosion, noise, glare and heat.

(b) *Retention of vegetation.* To ensure that healthy quality trees and native vegetation are retained and replenished to the greatest extent practicable.

(c) *Visual buffering.* To provide visual buffering and to enhance the beautification of the city.

(d) *Enhancement of property values.* To safeguard and enhance property values and to protect public and private real estate investments.

(e) *Preservation of economic base.* To preserve and protect the unique identity and environment of the city and to preserve the economic base attracted to the city by these factors.

(f) *Conservation.* To conserve energy and natural resources.



(g) Protection. To promote the health, safety and general welfare of the city.

**Sec. 31-872. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Best management practices shall mean measures undertaken during the course of development that reduce the amount of pollutants entering surface waters, ground waters, air or land, and may take the form of a process, activity or physical structure.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

Caliper inch is a unit of measurement used to state in inches the diameter of a tree's trunk at a height of four (4) feet six (6) inches from base of the tree at grade level.

Canopy tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk and a distinct and definite formed crown, which will attain a mature height of at least thirty (30) feet above ground.

Development shall mean the construction of one (1) or more new buildings or structures, relocation or enlargement of one (1) or more new buildings or structures of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements to include parking lots.

Drip line shall mean the area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

Existing tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk that is present on a property before its development.

Grass shall mean any herbaceous plant species that will attain a thick cover over soil.

Ground cover shall mean any woody or herbaceous planting that effectively shades out sod and will not attain a height of more than two (2) feet above the ground.

Landscaping shall mean altering, re-arranging or adding to existing vegetation or landforms, including reshaping of the land by moving earth, preserving native vegetation or adding new vegetation, or any combination of these land treatments.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

Non-canopy tree shall mean any self-supporting woody-stemmed plant with one or more trunks, which will attain a mature height of at least fifteen (15) feet above ground.

Planting materials shall mean living trees, shrubs, ground cover, grasses, forbs and flowering annuals, biennials and perennials.

Shrub shall mean a perennial plant that is distinguished from a herbaceous plant by its persistent woody stem, and from a tree by a mature height of less than fifteen (15) feet and no distinct elevated crown of foliage.

Street yard shall mean the area of a lot or parcel located between the street right-of-way line(s) and each building that faces the said street right-of-way.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and off-premise ground signs, but exclusive of customary fences or boundary or retaining walls.

Substantial damage shall mean the cost to repair or replace existing development that is more than 50% of the value of the building or structure before the damage occurred. For the purpose of this definition, the original valuation shall be determined by the county tax records.

Substitute landscaping plan shall mean a plan submitted for approval that differs from the standard landscaping requirements. Such substitute landscape plan shall clearly denote the differences from the standard required landscaping from the proposed substitute plan.

Vegetation shall mean any growing plant material.

Xeriscaping shall mean landscaping through use of slow-growing, native or adaptive vegetation that is drought-tolerant.

**Sec. 31-873. - Applicability.**

- (a) Except as otherwise provided in this article, these regulations shall apply to all property within the city limits. These regulations shall run with the land and shall apply to any subsequent owner thereof.
- (b) When the requirements of this article conflict with the requirements of other provisions of this code, this article shall prevail; however, the provisions of this article shall be subordinate to regulations pertaining to traffic and pedestrian safety.

**Sec. 31-874. - Administration and enforcement.**

- (a) The provisions of this article shall be administered by the Director of Planning and Development Services, and shall be enforced by the Planning Director or other official, such as a code enforcement officer, through issuance of stop work orders, or citations or summons.
- (b) While this ordinance establishes required landscape requirements, the City of Killeen encourages property owners of exempt properties to improve the value of their property, enhance the beauty of the city and assist in sustaining the environment by landscaping.

**Sec. 31-875. - Penalty.**

Unless otherwise stated, violations of this article shall be punishable under the provisions of section 1-8 of the city code of ordinances.

**Sec. 31-876. - Landscaping required.**

- (a) Landscaping is required for any type of new construction, including publicly owned and used property as follows:
  - (1) New construction of one or more new buildings or new parking, loading or vehicle storage space development within a vacant lot.

Exception. Accessory storage sheds 200 square feet or less shall not be considered new construction.

- (2) Construction of a new building or an addition to an existing building located within an existing developed lot that increases the total sum of all existing building footprint(s) on the lot by thirty percent (30%) or more.
- (3) Construction of any parking, loading or vehicle storage space additions or extensions within an developed lot that increases the total sum of all existing parking, loading or vehicle storage space(s) less than 90,000 square feet by thirty percent (30%) or more.
- (b) Any existing buildings or parking, loading or vehicle storage space areas to be removed for proposed new development shall not be considered for existing building or parking credits. The building footprint shall include the foundation line of the building(s) and include any roof projections at their outer most support lines. Any new development cannot be used as existing development credit until after one (1) year from final city approval of such development.
- (c) Should there be no land available for landscaping or should the area available for landscaping be severely restricted, the applicant may seek approval from the Planning Director for alteration or modification of these landscaping requirements. It is the intent of the City of Killeen to empower the Planning Director to apply good judgment and common sense in evaluating such requests for alternative plans.
- (d) Common development that encompasses more than one lot may be treated as one project for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project may not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.
- (e) Upon prior approval from the Planning Director, phased development within a single lot that is 90,000 square feet or more in size may be landscaped in two (2) or more phases. A master landscape plan must be submitted for the entire project at the beginning of the first phase submittal denoting such phases.

#### **Sec. 31-877. - Exceptions.**

Landscaping is not required for the following development:

- (a) Any development in existence before the effective date of the ordinance from which this article is derived;
- (b) Residential development located within lots or parcels within zoning districts "A" agricultural, "R-MP" mobile home and travel trailer park, and "R-MS" manufactured housing district;
- (c) Any residential or non-residential development in the form of a building permit submitted to the city, which was platted before the effective date of the ordinance from which this article is derived; and
- (d) Restoration of a conforming use building that has been damaged, destroyed or demolished, which does not qualify as substantial improvement.

**Sec. 31-878. - Landscape plan required.**

- (a) When a building permit application is required, a landscape plan shall be prepared and submitted to the city. It shall contain the following information:

  - (1) Date, graphic scale, north arrow, title and name of applicant/owner;
  - (2) Location of existing boundary lines and dimensions of the lot or tract;
  - (3) Approximate centerline of existing watercourses or drainageways; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and fire lanes, and sidewalks;
  - (4) Location, size, number, and type (tree, shrub, ground cover, grass) of landscaping in proposed areas and location and size of proposed landscaped areas;
  - (5) Information necessary for verifying the required minimum amount of landscaping as well as any substitute landscape comparisons; and
  - (6) Location and size of the proposed bib hose or irrigation system, if required.
- (b) Persons desiring use of special or unusual plant materials, or unique landscaping materials, as a part of an overall site design shall prepare a substitute landscape plan. Such plan shall include all information required to support the need for substitute landscaping. Artificial planting materials shall not be credited toward the landscaping requirements of this article.
- (c) Native or drought-tolerant plant species that conserve water and may have reduced maintenance requirements are suggested for use in landscaping plans. Landscape planning advice may be obtained by contacting the Bell County Extension Office.
- (d) The landscaping plan shall ensure that all impervious areas are developed and maintained in a manner that employs best management practices to control soil erosion and excess sedimentation.
- (e) Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme or such traffic areas.

**Sec. 31-879. - Landscaping standards for single-family dwellings located in the AR-1 zoning district.**

- (a) All single-family dwellings located within zoning district "AR-1" Suburban Residential Single-Family District shall have two (2) canopy trees, with at least one (1) planted in the front yard.

  - (1) *Trees.* The following requirements shall apply to tree landscaping.

    - (a) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-892.
    - (b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least one and one half (1½) caliper inches and shall be maintained in an undisturbed area within the drip line of the tree.

- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
- (2) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code.

**Sec. 31-880. - Landscaping standards for single-family dwellings located in the SR-1, SR-2, and R-1 zoning districts.**

- (a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family District, and "R-1" Single Family Residential District shall have two (2) canopy trees, with at least one (1) planted in the front yard, eight (8) 3-gallon shrubs planted in the front yard, and ground cover landscaping.

(1) *Trees.* The following requirements shall apply to tree landscaping.

- (a) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-892.
- (b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least one and one half (1½) caliper inches and shall be maintained in an undisturbed area within the drip line of the tree.
- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
- (e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(2) *Ground cover.* The following requirements shall apply to ground cover landscaping:

- (a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family

District, and "R-1" Single Family Residential District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.

(b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

(c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses

(3) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

(b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

**Sec. 31-881. - Landscaping standards for single-family or townhouse dwellings located in the RT-1 zoning district.**

(a) All single-family or townhouse dwellings located within zoning district "RT-1" Residential Townhouse Single-Family District shall have two (1) canopy tree, and six (6) 3-gallon shrubs planted per dwelling unit, and ground cover landscaping.

(1) *Trees.* The following requirements shall apply to tree landscaping.

(a) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-892.

(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least one and one half (1½) caliper inches and shall be maintained in an undisturbed area within the drip line of the tree.

(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).

(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(2) Ground cover. The following requirements shall apply to ground cover landscaping:

(a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family District, and "R-1" Single Family Residential District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.

(b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

(c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses

(3) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

(b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

(c) Thirty-five (35) percent of all common areas within the "RT-1" Residential Townhouse Single-Family district shall be devoted to open space.

**Sec. 31-882. - Landscaping standards for single-family and two-family dwellings located in the SF-2 and R-2 zoning districts.**

(a) All single-family and two-family dwellings located within zoning district "SF-2" Single-Family District and "R-2" Two-Family Residential District shall have one (1) canopy tree per dwelling unit planted in the front yard, eight (8) 3-gallon shrubs per dwelling unit planted in the front yard, and ground cover landscaping.

(1) Trees. The following requirements shall apply to tree landscaping.

(a) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-892.

- (b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least one and one half (1½) caliper inches and shall be maintained in an undisturbed area within the drip line of the tree.
- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
- (e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(2) Ground cover. The following requirements shall apply to ground cover landscaping:

- (a) All single-family dwellings located within zoning district "SF-2" Single-Family District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.
- (b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses

(3) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

- (b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

**Sec. 31-883. - Landscaping standards for multi-family use lots located in the R-3 zoning district.**

- (a) All multi-family use lots located within zoning district "R-3" multifamily district developed after the original effective date [August 11, 2004] of the ordinance from which this article is derived shall have installed not less than six (6) three-gallon (minimum) shrubs and two (2) one and one half (1½) caliper inch (minimum) trees within the street yard. The remaining portion of the street yard(s) shall be planted in ground cover or grass.



- (b) Existing landscaping that matches or exceeds the required number, size, and type of landscaping located in the side or rear yards of a three and four-family dwelling lot or parcel may be credited toward the requirements of this section.
- (c) All required landscaping required by this section shall be in place and in a thriving condition on the date a final inspection and/or certificate of occupancy is issued for the structure or should seasonal planting be an issue, partial landscaping may be delayed to a later date with the approval of the Planning Director. Such request shall be in writing, state the reasons for delay, and present a timeline for completion as required in section 31-890.

**Sec. 31-884. - Landscaping standards for multi-family use lots located in the R-3F zoning district.**

- (a) All multi-family use lots located within zoning district "R-3F" Multi-Family Residential District shall have one (1) canopy tree and three (3) 3-gallon shrubs per dwelling unit. All required landscaping shall be placed in the front or the side of the building.
- (b) Trees. The following requirements shall apply to tree landscaping:
  - (1) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
  - (2) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
  - (3) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
  - (4) Recommended plantings include the recommended species as detailed in section 31-892.
- (c) Shrubbery. The following requirements shall apply to shrubbery landscaping:
  - (1) Shrubs shall not be less than three (3) gallons in size.
  - (2) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (d) Ground cover. The following requirements shall apply to ground cover landscaping:
  - (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
  - (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance

with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

**Sec. 31-885. - Landscaping standards for multi-family use lots located in the R-3A zoning district.**

(a) All multi-family use lots located within zoning district "R-3A" Multi-Family Apartment Residential District shall have one (1) canopy tree and six (6) 3-gallon shrubs per every two (2) dwelling units. All required landscaping shall be placed in the front or the side of the building.

(b) Trees. The following requirements shall apply to tree landscaping:

(1) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.

(2) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

(3) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(4) Recommended plantings include the recommended species as detailed in section 31-892.

(c) Shrubbery. The following requirements shall apply to shrubbery landscaping:

(1) Shrubs shall not be less than three (3) gallons in size.

(2) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) Ground cover. The following requirements shall apply to ground cover landscaping:

(1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

(2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

**Sec. 31-886. - Landscaping standards for non-residential uses located in the UD and CD zoning districts.**

Landscaping within zoning districts "UD" University District and "CD" Cemetery District is required as follows:

(a) Landscaping required. Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the Planning Director.

(b) Trees. The following requirements shall apply to tree landscaping:

- (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).
- (2) Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.
- (3) Newly planted trees shall measure at least one and one half (1½) caliper inches and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (6) Recommended plantings include the recommended species as detailed in section 31-892.

(c) Shrubbery. The following requirements shall apply to shrubbery landscaping:

- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one-half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
- (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.
- (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
- (4) Shrubs shall not be less than three (3) gallons in size.

- (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (d) Ground cover. The following requirements shall apply to ground cover landscaping:
- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

**Sec. 31-887. - Landscaping standards for parking lots.**

- (a) Area required. The minimum amount of landscaped area required for parking, loading or vehicle storage space development within a single lot that is 90,000 square feet or more shall be five percent (5%) of all vehicular use areas, which shall be devoted to landscape islands, peninsulas or medians.
- (b) Street yard landscape credit. Landscape islands, peninsulas and medians may be included in calculating the minimum required street yard landscaping.
- (c) Distribution of landscaping. The number, size and shape of landscape islands, peninsulas, and medians, in both street and non-street yards, shall be at the discretion of the applicant. All required islands, peninsulas and medians shall be reasonably distributed throughout parking areas; however, the distribution and location of landscape islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total landscape area requirement for all parking areas is satisfied.
- (d) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping watering plan is used.

**Sec. 31-888. - Landscaped buffer screening devices.**

- (a) Where approved by the Planning Director, a landscaped buffer may be planted to meet the screening device requirements specified within chapter 31 - zoning regulations, sections 31-250 and 31-280. Such alternate screening shall become applicable only upon a change of land use, property ownership, or building occupancy, or at such time a building permit application is made, except as otherwise specified within this chapter.

- (b) A landscaped buffer shall provide a visual barrier from adjacent properties and streets. The owner of the property on which the landscaped buffer screening is planted shall permanently and adequately maintain such screening.
- (c) Landscaped buffer screening shall consist of earthen and planting materials not less than five (5) feet in width and include hedge-like shrubbery or evergreen planting materials capable of obtaining a minimum height of six (6) feet within the first three (3) years of initial planting.
- (d) Where approved by the Planning Director, an earthen berm with elevated planting materials may be used as a landscaped buffer to meet the requirements of this section.
- (e) If required, an automatic underground drip irrigation or sprinkler system shall be provided for all landscaped buffer screens. A landscaped buffer shall be continuously maintained in a healthy thriving condition.

**Sec. 31-889. - Public rights-of-way.**

- (a) Landscaping shall not be placed in a public right-of-way without the approval of the Planning Director and city engineer, and in the case of right-of-way controlled by the state, only with the approval of the State Department of Transportation.
- (b) Landscaping shall not be located or placed so as to obstruct any fire lane, fire hydrant, or similar connection, nor shall landscaping be placed in a manner that obstructs emergency ingress/egress access to any building.
- (c) Landscaping shall not obstruct views between the street and access drives or parking aisles near street yard entries and exits, nor shall any landscaping obstruct views within the radius of any curb return.
- (d) Sight triangles shall be maintained for all landscaped property at all driveways and street intersections in accordance with section 28-241, visibility at intersections of the Killeen code of ordinances.

**Sec. 31-890. - Completion and maintenance.**

- (a) The Planning Director shall review all landscaping for compliance with this article. Landscaping shall be completed in compliance with the approved landscape plan before a final inspection and/or certificate of occupancy is issued, unless otherwise provided in this article. In the event that placement of certain or partial landscaping materials is not practicable at the time the final inspection and/or certificate of occupancy is requested, a written placement schedule shall be submitted to the Planning Director for approval before issuance of the certificate of occupancy. Such request cannot exceed forty-five (45) days unless an escrow for the cost of completion is provided. Failure to meet the approved placement schedule and place the required landscaping materials as shown on the landscape plan shall constitute a violation of this article.
- (b) Dead, damaged, diseased or displaced landscaping shall be promptly replaced or repaired, and in any event, within a reasonable time after notification by the Planning Director. Replaced or repaired landscaping shall be of similar type and character as the material it replaces.

- (c) Replacement of dead landscaping shall occur within thirty (30) days of the required replacement date issued by the Planning Director or other official, such as a code enforcement officer. In the event that placement of dead landscaping materials is not practicable within thirty (30) days of notification, a placement schedule shall be submitted to the Planning Director for approval. Replacement material shall be of similar type and character as the dead landscaping. Failure to replace dead landscaping, as required by the Planning Director, shall constitute a violation of this article.
- (d) Should installed landscaping not be maintained or is determined to not be in compliance with this article, the landscaping shall be declared a nuisance and the property owner shall replace it with materials that are in compliance with the requirements of this article.

**Sec. 31-891. - Appeals.**

The board of adjustment shall hear and decide all appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Planning Director in the enforcement of this Division. Any action of the zoning board of adjustment shall be in accordance with the provisions of this chapter.

**Sec. 31-892. - Recommended quality tree species list.**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Type</u>
<u>Amer. Elderberry</u>	<u>Sambucus Canadensis</u>	<u>Small</u>
<u>Car. Buckthorn</u>	<u>Frangula caroliniana</u>	<u>Small</u>
<u>Callery Pear</u>	<u>Pyrus calleryana</u>	<u>Small</u>
<u>Crape Myrtle</u>	<u>Lagerstroemia indica</u>	<u>Small</u>
<u>Deciduous Holly</u>	<u>Ilex deciduas</u>	<u>Small</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>	<u>Small</u>
<u>Eve's Necklace</u>	<u>Sophora affinis</u>	<u>Small</u>
<u>Mesquite</u>	<u>Prosopis glandulosa</u>	<u>Small</u>
<u>Mexican Plum</u>	<u>Prunus mexicana</u>	<u>Small</u>
<u>Purpleleaf Plum</u>	<u>Prunus cerasifera</u>	<u>Small</u>
<u>Rusty Blackhaw</u>	<u>Viburnum rufidulum</u>	<u>Small</u>
<u>Texas Buckeye</u>	<u>Aesculus arguta</u>	<u>Small</u>
<u>Texas Persimmon</u>	<u>Diospyros texana</u>	<u>Small</u>
<u>Texas Redbud</u>	<u>Cercis canad. 'Texana'</u>	<u>Small</u>

<u>Wax Myrtle</u>	<u>Myrica cerifera</u>	<u>Small</u>
<u>Youpon Holly</u>	<u>Ilex vomitoria</u>	<u>Small</u>
<u>Cedar Elm</u>	<u>Ulmus crassifolia</u>	<u>Medium</u>
<u>Chinese Pistache</u>	<u>Pistachia chinensis</u>	<u>Medium</u>
<u>East. Red Cedar</u>	<u>Juniperus virginianum</u>	<u>Medium</u>
<u>Hawthorn</u>	<u>Crataegus viridis</u>	<u>Medium</u>
<u>Jap. Black Pine</u>	<u>Pinus thunbergii</u>	<u>Medium</u>
<u>Lacebark Elm</u>	<u>Ulmus parvifolia</u>	<u>Medium</u>
<u>Little Walnut</u>	<u>Juglans microcarpa</u>	<u>Medium</u>
<u>Afghan Pine</u>	<u>Pinus eldarica</u>	<u>Large Non-Canopy</u>
<u>Bald Cypress</u>	<u>Taxodium distichum</u>	<u>Large Non-Canopy</u>
<u>Black Pine</u>	<u>Pinus nigra</u>	<u>Large Non-Canopy</u>
<u>Eastern Red Cedar</u>	<u>Juniperus virginiana</u>	<u>Large Non-Canopy</u>
<u>Pond Cypress</u>	<u>Taxodium ascendens</u>	<u>Large Non-Canopy</u>
<u>So. Magnolia</u>	<u>Magnolia grandiflora</u>	<u>Large Non-Canopy</u>
<u>American Elm</u>	<u>Ulmus Americana</u>	<u>Canopy</u>
<u>Black Oak</u>	<u>Quercus veluntina</u>	<u>Canopy</u>
<u>Bigtooth Maple</u>	<u>Acer grandidentatum</u>	<u>Canopy</u>
<u>Bur Oak</u>	<u>Quercus macrocarpa</u>	<u>Canopy</u>
<u>Chinquapin Oak</u>	<u>Quercus muhlenbergii</u>	<u>Canopy</u>
<u>Durand Oak</u>	<u>Quercus durandii</u>	<u>Canopy</u>
<u>Green Ash</u>	<u>Fraxinus pennsylvanica</u>	<u>Canopy</u>
<u>Gum Bumelia</u>	<u>Bumelia lanuginose</u>	<u>Canopy</u>
<u>Ken. Coffeetree</u>	<u>Gymnocladus dioicus</u>	<u>Canopy</u>
<u>Live Oak</u>	<u>Quercus virginiana</u>	<u>Canopy</u>

<u>Pecan</u>	<u>Carva illinoensis</u>	<u>Canopy</u>
<u>Persimmon</u>	<u>Diospyros virginiana</u>	<u>Canopy</u>
<u>Red Mulberry</u>	<u>Morus rubra</u>	<u>Canopy</u>
<u>Shumard Oak</u>	<u>Quercus shumardii</u>	<u>Canopy</u>
<u>So. Sugar Maple</u>	<u>Acer barbatum</u>	<u>Canopy</u>
<u>Sugarberry</u>	<u>Celtis laevigata</u>	<u>Canopy</u>
<u>Sweetgum</u>	<u>Liquidambar styraciflua</u>	<u>Canopy</u>
<u>Sycamore</u>	<u>Plantus occidentalis</u>	<u>Canopy</u>
<u>Texas Ash</u>	<u>Fraxinus texenses</u>	<u>Canopy</u>
<u>Texas Red Oak</u>	<u>Quercus texana</u>	<u>Canopy</u>
<u>Trident Maple</u>	<u>Acer buergerianum</u>	<u>Canopy</u>
<u>Water Oak</u>	<u>Quercus nigra</u>	<u>Canopy</u>
<u>West. Soapberry</u>	<u>Sapindus drummondii</u>	<u>Canopy</u>
<u>White Ash</u>	<u>Fraxinus Americana</u>	<u>Canopy</u>

**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

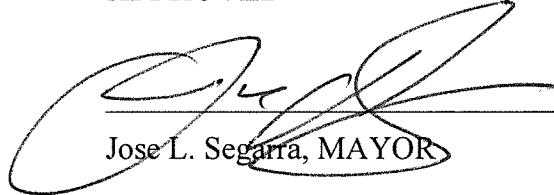
**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective after its passage and publication according to law.



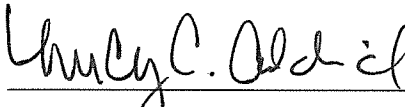
**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of August, 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

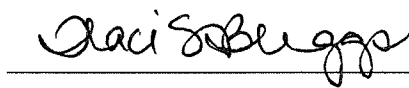
  
\_\_\_\_\_  
Jose L. Segarra, MAYOR



**ATTEST:**

  
\_\_\_\_\_  
Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Traci S. Briggs, CITY ATTORNEY

[illegible]

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
JULY 20, 2020**

**HOLD** a public hearing and consider an ordinance amending Chapters 8 and 31 of the City of Killeen Code of Ordinances; providing for the repeal of certain landscape standards in Chapter 8 and providing for the addition of certain landscape standards in Chapter 31.

Chairman Latham requested staff comments.

Ms. Wallis Meshier, Senior Planner, briefed the Commission on the proposed amendments to Chapters 8 and 31.

Ms. Meshier recommended that the Planning and Zoning Commission recommend approval of the proposed amendments.

Chairman Latham opened the public hearing.

Mr. Pedro Quintero, Quintero Engineering, L.L.C., 1501 W. Stan Schlueter Loop, Killeen, Texas requested that the minimum caliper of a tree be changed from two (2) inches to a one and a half (1½) inches.

With no one else requesting to speak, the public hearing was closed.

Commissioner Minor made a motion to recommend approval of the changes to Chapters 8 and 31 with the condition that language be added regarding drought tolerant plant species, and that the minimum size of a required tree be reduced from two (2) inches to one and a half (1½) inches. Commissioner Gukeisen seconded, and the motion passed unanimously.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** August 18, 2020

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Planning and Development Services

**SUBJECT:** Proposed Amendments to Chapters 8 and 31 of the City of Killeen Code of Ordinances regarding Landscaping

**BACKGROUND AND FINDINGS:**

At its meeting on May 12, 2020, the City Council directed staff to prepare updates to the City's land use regulations and development standards. Attached is a proposed ordinance amending the landscaping provisions found in Chapter 8 and Chapter 31 of the City of Killeen Code of Ordinances.

The proposed ordinance primarily serves to remove all landscaping standards from Chapter 8 - Building Construction Regulation, and relocate them to Chapter 31 - Zoning. In addition, the attached ordinance, if approved, would result in the following changes to the City's minimum standards regarding landscaping for residential developments:

- The minimum landscaping requirements for residential districts would be increased as follows:
  - "A-R1" (Agricultural Single-Family Residential District) to require two (2) trees per house;
  - "R-1" (Single-Family Residential District) to match "SR-1" (Suburban Residential Single-Family District);
  - "RT-1" (Residential Townhouse Single-Family District) to require one (1) tree and six (6) shrubs per unit; and
  - "R-2" (Two-Family Residential District) to match "SF-2" (Single-Family Residential District);
- The provision in "SR-1" (Suburban Residential Single-Family District) that allows shrubs to replace trees would be removed;
- Irrigation or a hose bib would be required for all districts with required landscaping; and
- The definition of caliper would be amended to state that the diameter of a tree shall be measured at a height of four (4) feet six (6) inches above grade.

Planning staff sent the attached draft ordinance to a group of sixteen (16) stakeholders on July 2, 2020. One written response was received from Mr. Josh Welch of WBW Development. Mr. Welch expressed a concern regarding the minimum 3-gallon size of the required shrubs in residential districts.

A public hearing was held during the Planning and Zoning Commission meeting on July 20, 2020. During the Public Hearing, Mr. Pedro Quintero of Quintero Engineering, L.L.C. expressed that he would prefer to see the minimum size for a tree be reduced from two (2) inches to one and a half (1½) inches.

**THE ALTERNATIVES CONSIDERED:**

The City Council has the following alternatives:

- Take no action on the proposed ordinance;
- Approve the ordinance with modifications; or
- Approve the ordinance as presented.

**Which alternative is recommended?**

Staff recommends that the City Council approve the ordinance as presented.

**Why?**

Approval of the proposed ordinance will move all landscaping provisions to Chapter 31 of the Code of Ordinances. In addition, staff finds that minimum landscaping provisions for all residential districts are necessary to promote the development of attractive communities and complete neighborhoods.

**CONFORMITY TO CITY POLICY:**

It is the City's policy to comply with state law. This ordinance, if approved by City Council, fulfills this requirement.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year?**

The proposed ordinance does not involve the expenditure of any City funds.

**For future years?**

This is not applicable.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5 to 0, recommended approval of the proposed ordinance with the following changes:

1. That language be added regarding drought tolerant plant species, and
2. That the minimum size of a required tree be reduced from two (2) inches to one and a half (1½) inches.

These changes have been incorporated into the attached ordinance.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.